

JS 44C/SDNY  
REV. 12/2005

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS ADRIAN SCHOOLCRAFT

DEFENDANTS THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON Tax Id. 912370

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jon Norinsberg and Cohen &amp; Fitch LLP, 225 Broadway, Suite 2700, NY, NY 10007, (212) 791-5396

ATTORNEYS (IF KNOWN)

Michael A. Cardozo, Corporation Counsel for the City of New York, 100 Church Street, NY, NY 10007

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

42 U.S.C. Section 1983. Violation of civil rights guaranteed by the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

## TORTS

## CONTRACT

- ☐ 110 INSURANCE  
☐ 120 MARINE  
☐ 130 MILLER ACT  
☐ 140 NEGOTIABLE INSTRUMENT  
☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT  
☐ 151 MEDICARE ACT  
☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)  
☐ 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS  
☐ 160 STOCKHOLDERS SUITS  
☐ 190 OTHER CONTRACT  
☐ 195 CONTRACT PRODUCT LIABILITY  
☐ 196 FRANCHISE

## PERSONAL INJURY

- ☐ 310 AIRPLANE  
☐ 315 AIRPLANE PRODUCT LIABILITY  
☐ 320 ASSAULT, LIBEL & SLANDER  
☐ 330 FEDERAL EMPLOYERS' LIABILITY  
☐ 340 MARINE  
☐ 345 MARINE PRODUCT LIABILITY  
☐ 350 MOTOR VEHICLE  
☐ 355 MOTOR VEHICLE PRODUCT LIABILITY  
☐ 360 OTHER PERSONAL INJURY

## PERSONAL INJURY

- ☐ 362 PERSONAL INJURY - MED MALPRACTICE  
☐ 365 PERSONAL INJURY PRODUCT LIABILITY  
☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

## PERSONAL PROPERTY

- ☐ 370 OTHER FRAUD  
☐ 371 TRUTH IN LENDING  
☐ 380 OTHER PERSONAL PROPERTY DAMAGE  
☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

## FORFEITURE/PENALTY

- ☐ 610 AGRICULTURE  
☐ 620 FOOD & DRUG  
☐ 625 DRUG RELATED SEIZURE OF PROPERTY  
☐ 630 LIQUOR LAWS  
☐ 640 RR & TRUCK  
☐ 650 AIRLINE REGS  
☐ 660 OCCUPATIONAL SAFETY/HEALTH  
☐ 690 OTHER

## LABOR

- ☐ 710 FAIR LABOR STANDARDS ACT  
☐ 720 LABOR/MGMT RELATIONS  
☐ 730 LABOR/MGMT REPORTING & DISCLOSURE ACT  
☐ 740 RAILWAY LABOR ACT  
☐ 790 OTHER LABOR LITIGATION  
☐ 791 EMPL RET INC SECURITY ACT

## BANKRUPTCY

- ☐ 422 APPEAL  
☐ 28 USC 158  
☐ 423 WITHDRAWAL  
☐ 28 USC 157

## PROPERTY RIGHTS

- ☐ 820 COPYRIGHTS  
☐ 830 PATENT  
☐ 840 TRADEMARK

## SOCIAL SECURITY

- ☐ 861 MIA (1395FF)  
☐ 862 BLACK LUNG (923)  
☐ 863 DIWC (405(g))  
☐ 863 DIWW (405(g))  
☐ 864 SSID TITLE XVI  
☐ 865 RSI (405(g))

## FEDERAL TAX SUITS

- ☐ 870 TAXES  
☐ 871 IRS-THIRD PARTY  
☐ 20 USC 7609

## OTHER STATUTES

- ☐ 400 STATE REAPPORTIONMENT  
☐ 410 ANTI-TRUST  
☐ 430 BANKS & BANKING  
☐ 450 COMMERCE/ICC RATES/ETC  
☐ 460 DEPORTATION  
☐ 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)  
☐ 480 CONSUMER CREDIT  
☐ 490 CABLE/SATELLITE TV  
☐ 810 SELECTIVE SERVICE  
☐ 850 SECURITIES/COMMODITIES/EXCHANGE  
☐ 875 CUSTOMER CHALLENGE  
☐ 12 USC 3410  
☐ 891 AGRICULTURE ACTS  
☐ 892 ECONOMIC STABILIZATION ACT  
☐ 893 ENVIRONMENTAL MATTERS  
☐ 894 ENERGY ALLOCATION ACT  
☐ 895 FREEDOM OF INFORMATION ACT  
☐ 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE  
☐ 950 CONSTITUTIONALITY OF STATE STATUTES  
☐ 890 OTHER STATUTORY ACTIONS

## ACTIONS UNDER STATUTES

## REAL PROPERTY

- ☐ 210 LAND CONDEMNATION  
☐ 220 FORECLOSURE  
☐ 230 RENT LEASE & EJECTMENT  
☐ 240 TORTS TO LAND  
☐ 246 TORT PRODUCT LIABILITY  
☐ 290 ALL OTHER REAL PROPERTY

## CIVIL RIGHTS

- ☐ 441 VOTING  
☐ 442 EMPLOYMENT  
☐ 443 HOUSING ACCOMMODATIONS  
☐ 444 WELFARE  
☐ 445 AMERICANS WITH DISABILITIES - EMPLOYMENT  
☐ 446 AMERICANS WITH DISABILITIES - OTHER  
☒ 440 OTHER CIVIL RIGHTS

## PRISONER PETITIONS

- ☐ 510 MOTIONS TO VACATE SENTENCE  
☐ 28 USC 2255  
☐ 530 HABEAS CORPUS  
☐ 535 DEATH PENALTY  
☐ 540 MANDAMUS & OTHER  
☐ 550 CIVIL RIGHTS  
☐ 555 PRISON CONDITION

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Robert W. Sweet DOCKET NUMBER 10 cv 4228 (RWS)

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

case involve substantially the same legal and factual claims  
 (SEE REVERSE)

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF NEW YORK

ADRIAN SCHOOLCRAFT,

Plaintiff

v.

THE CITY OF NEW YORK, et al.

Defendant

Civil Action No. **10 CIV 6005**

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

PLEASE SEE ATTACHED LIST FOR SERVICE ADDRESSES

A lawsuit has been filed against you.

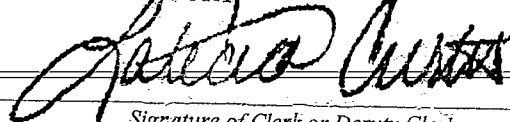
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JON L. NORINSBERG  
COHEN & FITCH LLP  
225 Broadway, Suite 2700  
New York, N.Y. 10007

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT



Signature of Clerk or Deputy Clerk

AUG 10 2010

Date:

1. THE CITY OF NEW YORK  
100 Church Street  
New York, NY 10007
2. DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220
3. ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370
4. SERGEANT KURT DUNCAN, Shield No. 2483,  
179 Wilson Avenue  
Brooklyn, NY 11237
5. DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117  
Transit Borough Bronx  
460 Morris Park Avenue  
Bronx, NY 10460
6. CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840,  
Narcotic Borough Brooklyn South/Narcotic Division  
1 Police Plaza, Rm. 1100  
New York, NY 10007
7. LIEUTENANT JOSEPH GOFF, Tax Id. 894025,  
Emergency Service Unit  
Floyd Bennettfield Edward Hall, 3<sup>rd</sup> Floor  
Brooklyn, NY 11234
8. SGT. FREDERICK SAWYER, Shield No. 2576,  
Special Unit  
315 Hudson Street, 3<sup>rd</sup> Floor, Rm. 3  
New York, NY 10013
9. LIEUTENANT CHRISTOPHER BROSCART, Tax Id. 915354  
115<sup>th</sup> Precinct  
92-15 Northern Blvd.,  
Jackson Hgts., NY, 11372
10. LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374
11. SERGEANT SHANTEL JAMES, Shield No. 30004  
81<sup>st</sup> Precinct  
30 Ralph Avenue  
Brooklyn, NY, 11221
12. JAMAICA HOSPITAL MEDICAL CENTER,  
Jamaica, NY 11411
13. DR. ISAK ISAKOV  
89 Van Wyck Expressway West  
Jamaica, NY 11411
14. DR. LILIAN ALDANA-BERNIER  
89 Van Wyck Expressway West  
Jamaica, NY 11411

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DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_

JUDGE Robert W. Sweet DOCKET NUMBER 10 cv 4228/RWS

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JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

case involve substantially the same legal and factual claims

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding    ☐ 2a. Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from (Specify District)    ☐ 6 Multidistrict Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court  
AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF    ☐ 2 U.S. DEFENDANT    ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)    ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] [ ]
CITIZEN OF ANOTHER STATE	[ ] [ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] [ ]	FOREIGN NATION	[ ] [ ]

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

ADRIAN SCHOOLCRAFT  
Maple Knoll Apartments  
# 16 N.E. Avenue, Apt. J-58  
Johnstown, NY 12095

County of Fulton

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

## 1. THE CITY OF NEW YORK

100 Church Street  
New York, NY 10007

## 2. DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220

## 3. ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370

4. SERGEANT KURT DUNCAN, Shield No. 2483,  
179 Wilson Avenue  
Brooklyn, NY 11237

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS    ☒ FOLEY SQUARE  
(DO NOT check either box if this a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

August 10, 2010

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[x] YES (DATE ADMITTED Mo. 10 Yr. 1992)

Attorney Bar Code # JN-2133

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

J. MICHAEL McMAHON  
CLERK OF COURT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
500 PEARL STREET, NEW YORK, NY 10007  
300 QUARROPAS STREET, WHITE PLAINS, NY 10601

WWW.NYSD.USCOURTS.GOV

# Electronic Case Filing Rules & Instructions

August 1, 2008 Edition

## IMPORTANT INFORMATION FOR NEW CASES

A party filing a new civil case assigned to the Electronic Case Filing (ECF) system must do the following after obtaining a civil case number:

- (1) E-mail a pdf copy of the case initiating documents to the Clerk's Office within 24 hours of delivering the paper documents to the Court; and
- (2) Serve each party to the action with the initiating documents and a copy of:
  - (a) ~~SDNY Electronic Case Filing Rules & Instructions~~ (attached); and
  - (b) The assigned Judge's Individual Practices.

For complete instructions and e-mail addresses see Section 14 - Opening a Civil Action.



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SDNY ELECTRONIC CASE FILING RULES & INSTRUCTIONS

## Introduction

The United States District Court for the Southern District of New York implemented an Electronic Case Filing (ECF) system in December 2003. Electronic versions of documents filed by attorneys over the Internet have largely replaced paper documents in the Court's files. Almost all new civil and criminal cases filed in this Court after December 2, 2003 are Electronic Case Filing (ECF) cases. Cases filed before December 2, 2003, Pro se cases (unless the pro se litigant is a member of the bar), Social Security cases and habeas corpus cases however are not ECF cases and must be filed on paper. The information in this document applies only to cases assigned to the ECF system.

Electronic Case Filing has several advantages for both the attorney and the Court:

- Twenty-four hour concurrent access to case files from any location over the Internet
- Remote document filing from any Internet connection worldwide
- Secure access to the ECF system via unique user password
- Immediate e-mail notification of case activity to parties and the Court
- Storage of documents in a reliable and secure electronic format

---

In addition to the Federal Rules of Civil and Criminal Procedure, the following govern Electronic Case Filing in this District (available at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)):

- **SDNY Electronic Case Filing Rules & Instructions (this document):**

**Part I. Electronic Case Filing Rules** (ECF Rules), approved by the Board of Judges of this Court, provide the broad outline of the rules of Electronic Case Filing.

**Part II. Electronic Case Filing Instructions** (ECF Instructions), written by the Clerk of Court under the authority of the ECF Rules, provide step by step instructions for Electronic Case Filing.

- **The Judge's Individual Practices**

Each Judge's Individual Practices outline their own specific filing requirements.

---

The Court is prepared to assist you in filing electronically in several ways:

- The SDNY Electronic Case Filing Rules & Instructions will answer many of your ECF questions.
- Training in Electronic Case Filing (ECF) is available both in person at the courthouse and on-line at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) (See section 24 - ECF Help Desk and Training).
- ECF Help Desk operators are available by telephone to answer your electronic filing questions (See section 24 - ECF Help Desk and Training).



SDNY ELECTRONIC CASE FILING RULES & INSTRUCTIONS

## What's New

Updated August 1, 2008:

This edition of the ECF Rules & Instructions contains new material.

Effective August 1, 2008, in cases assigned to the Electronic Case Filing (ECF) system, all notices and stipulations of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) must be filed electronically on the ECF system.

Paper versions of notices and stipulations pursuant to Rule 41(a)(1)(A) in ECF cases will no longer be accepted for filing effective August 1, 2008.

Please use the following ECF filing events:

NOTICE OF VOLUNTARY DISMISSAL to file a notice pursuant to Rule 41(a)(1)(A)(i); and

STIPULATION OF VOLUNTARY DISMISSAL to file a stipulation pursuant to Rule 41(a)(1)(A)(ii).

In accordance with Rule 41(a)(1)(A)(ii), stipulations of voluntary dismissal require the signature of all parties who have appeared in the action. Only partial stipulations of voluntary dismissal, seeking to dismiss some but not all parties, must continue to be submitted by e-mail to the Judgment Clerk to be conformed for the Court's approval.

In cases not assigned to the ECF system, notices and stipulations filed pursuant to Rule 41(a)(1)(A) must continue to be filed in paper form with the Judgment Clerk.

Accordingly, revisions have been made to the following items:

### Section 18 - Non ECF Documents

18.1 In an ECF case are there documents that I should not file electronically?

18.4 Are Proposed Orders, Proposed Judgments, Stipulations, Voluntary Notices of Dismissal or Consents filed electronically?

SDNY ELECTRONIC CASE FILING RULES & INSTRUCTIONS

## Part I. Electronic Case Filing Rules

The Court will accept for filing documents submitted, signed or verified by electronic means that comply with the following rules.

### Section 1. Scope of Electronic Filing

**1.1** The Court will designate which cases will be assigned to the Electronic Case Filing (ECF) system. Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in a case assigned to the ECF system must be filed electronically. A paper may be filed electronically (a) from a remote location, (b) by bringing it to the Clerk's office during regular business hours, in a form or electronic format prescribed by the Clerk, for input into the system, or (c) by bringing the paper and the Filing User's SDNY ECF password and log-in to the Clerk's Office during regular business hours to be scanned into the system by the Filing User.

**1.2** Unless limited by their terms to civil cases, the provisions of these procedures relating to electronic filing apply in criminal cases that are initiated by the filing of an indictment or information. Electronic filing procedures shall not apply to applications for arrest, search or electronic surveillance warrants; for other orders in aid of or ancillary to a criminal investigation; or to proceedings relating to the grand jury.

**1.3** Electronic filing procedures shall not apply to Social Security cases, Pro Se cases (unless the pro se litigant is a member of the bar), Habeas Corpus cases or cases initiated before December 2, 2003.

*(See section 13 - ECF Basics).*

**1.4** The filing and service of the initial papers in a civil case, including the complaint, the issuance of the summons and the proof of service of the summons and complaint, as well as service of non-party subpoenas, will be accomplished in the traditional manner on paper in accordance with the Federal Rules of Civil Procedure and applicable Local Rules governing service, rather than electronically. In a criminal case, the indictment or information, including any superseders, shall also be filed and given to the defendant in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules rather than electronically; in addition, service of subpoenas shall be made in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules. In a case assigned to the ECF system after it has been opened, parties must promptly provide the Clerk with electronic copies of all documents previously provided in paper form. All subsequent documents must be filed electronically except as provided in these Rules & Instructions or as ordered by the Court.

*(See section 14 - Opening a Civil Action).*

**1.5** The Clerk shall write and revise as necessary Instructions to guide Filing Users and maximize the efficiency of the Electronic Case Filing system.

*(See Part II - Electronic Case Filing Instructions)*

## SDNY ELECTRONIC CASE FILING RULES &amp; INSTRUCTIONS

**Section 2. Eligibility, Registration, Passwords**

**2.1** Attorneys admitted to the bar of this Court, including those admitted pro hac vice and attorneys authorized to represent the United States, may register and may be required to register as Filing Users of the Court's ECF system. Unless excused by the Court, attorneys not already Filing Users appearing in cases assigned to the ECF system must register as Filing Users forthwith upon the case being so designated. Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar of this Court or authorized to represent the United States.

**2.2** If the Court permits or requires, a party to a pending civil action who is not represented by an attorney may register as a Filing User in the ECF system solely for purposes of the action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. The Court may require the party to attend in-person training for Electronic Case Filing as a condition of registering as a Filing User. If, during the course of the proceeding, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

**2.3** Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

**2.4** In a civil action, the Clerk will enter, as Filing Users to whom Notices of Electronic Filing will be transmitted, (a) each attorney identified on the Civil Cover Sheet, as well as (b) each additional attorney who subsequently appears in the action and files a Notice of Appearance (which must be filed electronically). In a criminal case, the Clerk will enter, as Filing Users to whom Notices of Electronic Filing will be transmitted and who will be granted access to electronically file and retrieve documents in the case, the attorney(s) for the United States identified on the Criminal Designation Form or subsequently identified as representing the United States in the case and each attorney filing a Notice of Appearance on behalf of a defendant. Notices of Appearance on behalf of a criminal defendant will be filed in the traditional manner on paper.

**2.5** An attorney of record may, by written or electronic request to the Clerk, have transmission of Notices of Electronic Filing to another attorney in his or her firm terminated.

*(See section 22 - ECF Passwords).*

**Section 3. Consequences of Electronic Filing**

**3.1** Except as otherwise provided in Rule 4 herein, electronic filing of a document in the ECF system consistent with these procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this Court and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55.

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3.2 When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court (subject to the exception set out in Rule 4 below), and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Rule 1, a document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing from the Court.

3.3 Electronic filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

3.4 Individual Judges' Practices should continue to be followed with respect to delivery of courtesy copies.

*(See section 19 - Service of Electronically Filed Documents).*

**Section 4. Entry of Court Orders**

4.1 All orders, decrees, judgments and proceedings of the Court will be filed in accordance with these procedures and entered on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55. Each document signed by a judge shall be scanned so as to contain an image of the judge's signature and shall be filed electronically by the Court, and the manually signed original shall be filed by the Clerk. In the event of a discrepancy between the electronically filed copy and the manually signed original, the manually signed original shall control.

4.2 A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such other form as the Court requires, if any.

**Section 5. Attachments and Exhibits**

5.1 Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits paper filing.

5.2 A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are relevant to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this procedure do so without prejudice to their right to file timely additional excerpts or the complete document. Responding parties may file timely additional excerpts that they believe are relevant or the complete document. A party may move for permission to serve and file in hard copy documents that cannot reasonably be scanned.

5.3 In cases where the record of an administrative or other prior proceeding must be filed with the Court, such record may be served and filed in hard copy without prior motion and order of the Court.

*(See section 15 - Motions).*

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**Section 6. Sealed Documents**

**6.1** Documents ordered to be placed under seal may not be filed electronically.

**6.2** A motion to file documents under seal should be filed electronically unless prohibited by law, in redacted form if necessary; however, a motion to file under seal that includes a statement of why the filing should not be made electronically may be made in paper copy. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law.

**6.3** A paper copy of the sealing order must be attached to the outside of the envelope containing the documents under seal and be delivered to the Clerk's Office.

*(See section 18 - Non-Electronic Documents).*

**Section 7. Retention Requirements**

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until one year after all time periods for appeals expire, except that affidavits, declarations and proofs of service must be maintained in paper form by the Filing User until five years after all time periods for appeals expire. On request of the Court, the Filing User must provide original documents for review.

*(See section 13 - ECF Basics).*

**Section 8. Signatures**

**8.1** The user log-in and password required to submit documents to the ECF system serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure, including Rule 11, the Federal Rules of Criminal Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Each document filed electronically must indicate that it has been electronically filed.

**8.2** Electronically filed documents must include a signature block and must set forth the name, address, telephone number and e-mail address all in compliance with the Federal Rules of Civil Procedure and Local Civil Rule 11.1. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" typed in the space where the signature would otherwise appear.

**8.3** No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

**8.4** A document requiring the signature of a defendant in a criminal case may be electronically filed only in a scanned format that contains an image of the defendant's signature.



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**8.5** Documents requiring signatures of more than one party must be electronically filed either by: (a) submitting a scanned document containing all necessary signatures; (b) representing the consent of the other parties on the document; (c) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (d) in any other manner approved by the Court.

*(See section 13 - ECF Basics).*

**Section 9. Service of Documents by Electronic Means**

Transmission of the Clerk's Notice of Electronic Filing of a document shall constitute service of such document upon any Filing User in that case. It remains the duty of the attorney for a party to review regularly the docket sheet of the case. Attorneys and pro se parties who are not Filing Users shall be served with a paper copy of any electronically filed pleading or other document. Service of such paper copy must be made according to the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules.

*(See section 19 - Service of Electronically Filed Documents).*

**Section 10. Notice of Court Orders and Judgments**

Immediately upon the entry of an order or judgment in a proceeding assigned to the ECF system, the Clerk will transmit to all Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Crim.P. 49(c) and Fed.R.Civ.P. 77(d). It remains the duty of the attorney for a party to review regularly the docket sheet of the case. The Clerk must give notice in paper form to a person who is not a Filing User in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure.

*(See section 19 - Service of Electronically Filed Documents).*

**Section 11. Technical Failures**

~~A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.~~

*(See section 23 - ECF Computer System Information).*

**Section 12. Public Access**

A person may review at the Clerk's Office filings that have not been sealed by the Court. A person also may access the ECF system at the Court's Internet site [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) by obtaining a PACER log-in and



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password. A person who has PACER access may retrieve docket sheets in civil and criminal cases, documents in a civil case assigned to the ECF System, and documents in a criminal case filed after November 1, 2004. Only counsel for the government and for a defendant may retrieve documents in a criminal case filed prior to November 1, 2004. Only a Filing User under Rule 2 herein may file documents.

(See section 13 - ECF Basics).

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## Part II. Electronic Case Filing Instructions

### Section 13. ECF Basics

#### 13.1 May letters be filed electronically?

No. Letters are submitted in the traditional manner on paper. An attorney should not file a letter electronically on the ECF system. The Judge may direct the Clerk to place a letter on the docket if it is deemed appropriate.

#### 13.2 In brief, how do I file a document electronically?

- (a) Use your secure SDNY ECF password (see section 22 - ECF Passwords) to log-in to the ECF system from any Internet connection.
- (b) Select the appropriate category, CIVIL or CRIMINAL.
- (c) Find the appropriate ECF Filing Event, or title, for your document. (*See below*).
- (d) Indicate the party filing the document (hold down the control key to designate more than one party).
- (e) Upload a PDF copy (see section 23 - ECF Computer System Information) of your document. Include any exhibits as attachments to the main document. File supporting documents separately.
- (f) Print the final screen, the Notice of Electronic Filing (NEF), for your records.
- (g) Service is complete provided all parties receive electronic notice of the filing (via the NEF email sent automatically by the Court - see the NEF for a list of who was/was not served electronically). If a party will not receive electronic notice via the NEF email, you must serve him/her in the traditional manner, on paper, then electronically file an affidavit of service (see section 19 - Service of Electronically Filed Documents).
- (h) ~~Submit a paper courtesy copy to the Judge if required (see the Judge's Individual Practices at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)).~~

#### 13.3 What is the secure website for electronic filing on the SDNY ECF system?

To file electronically go to <https://ecf.nysd.uscourts.gov>, or link to the filing website via the Court's public website (see below). You will need your SDNY ECF log-in and password to file electronically.

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**13.4 What is the public website for information about the Court?**

For publicly available information go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) (no password required). From the homepage click on ECF for information on Electronic Case Filing.

**13.5 What are the mailing addresses for the Court?**

United States District Court, 500 Pearl Street, New York, NY 10007; or United States District Court, 300 Quarropas Street, White Plains, NY 10601.

**13.6 Is an electronically filed document filed in accordance with the Federal Rules of Civil Procedure?**

Yes. Local Civil Rule 5.2 provides:

A paper filed by electronic means in accordance with procedures promulgated by the Court is, for purposes of Federal Rule of Civil Procedure 5(e), filed in compliance with the local civil rules of the Southern and Eastern Districts of New York.

*(See section 3 - Consequences of Electronic Case Filing).*

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**13.7 Which cases are ECF cases?**

Civil and criminal cases filed after December 2, 2003, are subject to electronic filing. Cases filed before that date, Social Security cases, habeas corpus cases and pro se cases will not be assigned to the ECF system and must be filed on paper.

*(See section 1 - Scope of Electronic Filing).*

**13.8 Which Judges entertain ECF cases?**

All of the Court's District Judges and Magistrate Judges are able to entertain ECF cases.

**13.9 How can I tell if my case is an ECF case?**

The docket sheet will include the letters "ECF" in the upper right corner and an entry titled "CASE DESIGNATED ECF". ~~If you are not sure if you are required to file electronically, call the ECF Help Desk at (212)805-0800.~~

**13.10 If a case is deemed an ECF case, am I required to file documents electronically?**

Yes. In an ECF case the attorney is responsible for electronically filing documents over the Internet using a secure SDNY log-in and password. With certain exceptions outlined below the Clerk's Office will not accept paper filings in an ECF case.

*(See section 1 - Scope of Electronic Case Filing and section 18 -Non-Electronic Documents).*

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**13.11 May I file documents electronically in a non-ECF (paper) case?**

No. Do not file documents electronically in non ECF (paper) case. Only those cases filed after December 2, 2003 are subject to electronic filing. Pro Se cases, Social Security cases, habeas corpus cases and cases filed before December 2, 2003, will not be assigned to the ECF system and must be filed on paper.

*(See section 1 - Scope of Electronic Case Filing).*

**13.12 Will the Court file documents electronically in a non-ECF (paper) case?**

Yes, the Court may file Orders and Opinions in electronic format (pdf) in a non-ECF (paper) case. This will not convert a non-ECF case to an ECF case, and parties should continue to file documents on paper.

**13.13 Can I file electronically at any time?**

Yes. You can file electronically 24 hours a day, 7 days a week, 365 days a year from any Internet connection worldwide. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

*(See section 3 - Consequences of Electronic Case Filing).*

**13.14 When is an electronically filed document deemed filed?**

An electronically filed document is deemed filed on the date and time stated on the Notice of Electronic Filing (also referred to herein as the "filing receipt") from the Court.

*(See section 3 - Consequences of Electronic Case Filing).*

**13.15 What is a docket sheet, and how can I view one?**

The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, via the PACER public access system (for details go to <http://pacer.psc.uscourts.gov> or call 800-676-6856). Or you can use one of the public access computers available in the Clerk's Office.

*(See section 12 - Public Access).*

**13.16 Should I routinely view the docket sheet in my case?**

Yes. In ECF cases, service is accomplished by an e-mail sent by the Court. However e-mail is not foolproof, and you may miss an e-mail message. Therefore it remains the duty of the attorney for a party to review regularly the docket sheet of the case in order not to miss a filing.

*(See section 9 - Service of Documents by Electronic Means).*

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**13.17 How do I view an electronically filed document in an ECF case?**

Click on Query, enter the case number, go to Docket Report, find the document and click on the blue number (hyperlink) next to that entry. A pdf copy of the complete document will then appear. If there is no blue hyperlink, then there is no electronic version of that document. In non-ECF (paper) cases you will not be able to view documents, only document summaries.

**13.18 How will I know if it's appropriate to electronically file my document?**

First, determine if your case is an ECF case - not all cases are ECF cases. When filing in an ECF case if you can find an ECF Filing Event that directly matches your document then it should be electronically filed. If you cannot find a matching ECF Filing Event it probably should not be electronically filed. The ECF Event Dictionary (a PDF document available on our public website at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)) is very useful for finding your event and the category in which it is listed. See the list of non-ECF documents below or call the ECF Help Desk at (212)805-0800.

*(See section 24 - ECF Help Desk and Training).*

**13.19 Must the caption indicate the case is an electronic (ECF) case?**

Yes. The case number must be followed by the judge's initials in parenthesis, and "ECF CASE" below the case number. For example:

06 cv 1234 (ABC)  
ECF Case

*(See section 8 - Signatures).*

**13.20 How do I sign an electronically filed document?**

The ECF log-in and password of the filing attorney serve as his/her electronic signature. The filing attorney may place an S/ in place of his/her signature. The attorney's name and contact information, including e-mail address, must appear below the signature line. Signatures for all other persons (clients, witnesses etc.) must be scanned in order to capture the actual ink signature.

*(See section 8 - Signatures).*

**~~13.21 When filing must I choose a name for my document on the ECF Docket Sheet?~~**

Yes. When filing electronically you will be asked to name your document by selecting the appropriate ECF Filing Event. The ECF Filing Event is essentially the title of the document on the docket sheet, such as Motion for Summary Judgment or Affidavit in Support of Motion.

**13.22 How do I find the correct ECF Filing Event for my document?**

ECF Filing Events are listed by category on the ECF system. Within each category is an alphabetical listing of available ECF Filing Events. You may use the search function to find your Filing Event. The ECF Event

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Dictionary (a pdf document available on our public website at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)) is also very useful for finding your event and the category in which it's listed. Print the dictionary for future reference. If you cannot find the appropriate event for your document do not file it using the wrong event. Call the ECF Help Desk at (212)805-0800 for assistance if necessary.

*(See section 24 - ECF Help Desk and Training).*

**13.23 Must I retain paper originals of documents I electronically file?**

Yes. Filing Users must retain original versions of electronically filed documents for a period of time after filing. On request of the Court, the Filing User must provide original documents for review.

*(See section 7 - Retention Requirements).*

**13.24 Should I continue to submit courtesy copies?**

Yes, continue your current practice. In the past if you would have submitted a paper courtesy copy of a document, you should now submit a paper courtesy copy of the document in an ECF case. For example, most Judges require courtesy copies of motion papers. Read the Judge's Individual Practices for specific practices.

*(See section 3 - Consequences of Electronic Case Filing).*

**13.25 Are Administrative Records filed electronically?**

Yes, if possible. However, if the administrative record is too large to be scanned it may be served and filed in hard copy without prior motion and order of the Court.

*(See section 5 - Attachments and Exhibits).*

**13.26 In Consolidated and MDL cases can I file simultaneously in member cases?**

Yes. When filing in Consolidated and Multi-District Litigation (MDL) cases you can save time by electronically filing a document simultaneously in the member case(s) using the computer function titled "Spread Text and Effects" (not available in related cases). Please observe the following MDL filing rules:

- In consolidated and MDL cases you must file all documents first under the Lead or MDL case number.
- You may then precisely designate the member case(s) in which you wish to simultaneously file.
- Do not file in all cases unless it is appropriate. Your document may not relate to all member cases.
- The case caption must include all the case numbers in which your document will be filed.
- Instructions for Spread Text and Effects and information on in-person training are available on-line at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)



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**13.27 What if I make a mistake in electronic filing?**

Call the ECF Help Desk immediately at (212)805-0800.

*(See section 24 - ECF Help Desk and Training).*

**Section 14. Opening a Civil Action**

**14.1** Electronically filed (ECF) cases are opened and service of the initiating documents (complaint, notice of removal, etc.) is accomplished in the traditional manner, on paper.

**14.2** In order to alert your adversary(s) to the requirements of Electronic Case Filing and the Judge's Individual Practices you are required to deliver paper copies of the following documents to all parties (available at the courthouse, and [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)):

- **Electronic Case Filing Rules & Instructions** (this document)
- **The Individual Practices** of the assigned Judge

**14.3** Then within 24 hours of the assignment of a case number, you are required to e-mail to the Clerk's Office (e-mail is not ECF filing) the initiating documents in PDF format only (such as Adobe Acrobat PDF, see section 21). Include a F.R.C.P. Rule 7.1 Statement (if applicable) and all exhibits. The case number followed by the Judge's initials and "ECF CASE" must appear in the case caption. Failure to do so within 24 hours will delay adding your PDF documents to the computerized ECF docket.

Each document must be in a separate PDF file no larger than 2.5 megabytes (separate large computer files into smaller parts if necessary, and label accordingly). The subject line of the e-mail and the name of the PDF file should list the case number followed by a brief document description (ex. "Re: 01cv1234 KMW-complaint").

Send a PDF copy of the initiating documents by e-mail (do not file on the ECF system) to:

- For new civil cases assigned to a Manhattan Judge e-mail to:  
**caseopenings@nysd.uscourts.gov**  
or **case\_openings@nysd.uscourts.gov**
- For new civil cases assigned to a White Plains Judge e-mail to:  
**wpclerk@nysd.uscourts.gov**

**14.4** File the Affidavit of Service (or the Acknowledgment of Service, Certificate of Service, Request for Waiver of Service, Summons Returned Executed/Unexecuted, Waiver of Service Executed/Unexecuted) for the initiating document (complaint, notice of removal, etc.) in the following manner:

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- (a) Electronically file the Affidavit of Service for the initiating document on the ECF system (do not e-mail), and
- (b) Deliver the original paper Affidavit of Service, with summons attached, to the Clerk's Office. Include a copy of the ECF Notice of Electronic Filing for this document (the filing receipt),

*(See section 19 - Service of Electronically Filed Documents).*

**14.5** Subsequent documents, including the Defendant's Answer, must be filed electronically on the ECF system at <https://ecf.nysd.uscourts.gov>. With certain exceptions outlined below, the Clerk's Office will not accept a paper document for filing in an ECF case.

*(See section 1 - Scope of Electronic Filing and section 18 - Non-electronic Documents).*

### **Section 15. Motions**

#### **15.1 What ECF Filing Event should be used to file a motion?**

A motion must be filed using an ECF Filing Event beginning with the word "Motion". The ECF system contains over 160 separate motion Filing Events for your use, all beginning with the word "Motion" (eg. "Motion for Summary Judgment", etc.). See the ECF Events Dictionary at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) for a complete list of motions and supporting documents. Do not use the "Notice" filing event to file a motion.

#### **15.2 Should I file supporting papers as attachments to the motion?**

No. File supporting or response documents separately under the appropriate ECF Filing Event found in the category "Replies, Opposition and Supporting Documents". For example, a motion, an affidavit in support and a memorandum of law in support must be filed separately.

#### **15.3 What ECF Filing Event should be used to file supporting papers?**

Use the appropriate ECF Filing Events for supporting papers found in the category "Replies, Opposition and Supporting Documents" (eg. Affidavit in Support of Motion, Memorandum of Law in Support of Motion, etc.). Never use the ECF Filing Event for Motion to file supporting papers. For example, filing a motion, an affidavit in support and a memorandum of law in support, and labeling each one "Motion" would make it appear incorrectly that three motions were filed instead of one.

#### **15.4 How do I file exhibits?**

Exhibits shall be filed only as attachments to a document, such as a motion or an affidavit. Do not use the ECF Filing Event for "Motion" to file exhibits separately. Exhibits are the only items that should be attached to electronically filed documents. You are limited to electronically filing only relevant excerpts of exhibits.

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Excerpts must be clearly identified as such. If the exhibit is too large to be scanned and electronically filed call the ECF Help Desk at (212)805-0800.

*(See section 5 - Attachments and Exhibits; see also section 24 - ECF Help Desk and Training).*

### **Section 16. Default Judgments**

#### **16.1 How do I file a Default Judgment?**

In one of the three ways outlined below. Consult the Individual Practices of the Judge to determine the appropriate method (at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)). If the Judge's Individual Practices contain no specific rules regarding Default Judgments you should follow section 16.4 below.

If you wish to electronically file a Request to Enter Default Judgment before submitting a Default Judgment, you must file an unsigned Clerk's Certificate as an attachment to the Request. Then submit a paper copy of the proposed Clerk's Certificate to the Orders, Appeals & Judgments Clerk. The clerk will sign and return the Clerk's Certificate, and you may then move for a Default Judgment using the appropriate method outlined below.

When necessary, submit paper documents to the Orders, Appeals & Judgements Clerk in Manhattan (212-805-0143) or White Plains (914-390-4000) depending upon where the Judge sits. If sending documents by mail, enclose a return envelope with postage. For mailing addresses *see section 13 - ECF Basics*.

#### **16.2 Default Judgment brought by Motion:**

- (a) Submit to the Orders, Appeals & Judgment Clerk two paper Clerk's Certificates. The clerk will sign and return both Certificates to the filing party.
- (b) Electronically file the Motion for Default Judgment on the ECF system. The following items should be filed as attachments to the Motion: the signed Clerk's Certificate; and a copy of the Summons and Complaint with proof of service. The following supporting documents should be filed as separate ECF Filing Events: Affidavit in Support; and Statement of Damages (unless requesting an inquest).
- (c) Electronically file an Affidavit of Service for the Motion for Default Judgment.
- (d) Submit a courtesy copy of the Motion to the Judge, including the original signed Clerk's Certificate and a copy of the Affidavit of Service.

#### **16.3 Default Judgment brought by Order to Show Cause (OSC):**

- (a) Submit to the Orders, Appeals & Judgments Clerk a paper original of the OSC. Include as exhibits to the Affidavit in Support a Clerk's Certificate and a proposed Default Judgment.

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Include courtesy copies of all documents.

- (b) If signed by the Court, the Clerk's Office will electronically file only the Order. After the Order appears on the docket sheet, the attorney must electronically file all supporting papers.
- (c) Electronically file an Affidavit of Service for the Order to Show Cause.

**16.4 Default Judgment brought on by Default Judgment and Order:**

- (a) Submit to the Orders, Appeals & Judgments Clerk: a paper original of the proposed Default Judgment and Order; the Affidavit in Support; a Statement of Damages (unless requesting an inquest); a copy of the Summons and Complaint with proof of service; and a Clerk's Certificate. The papers will be forwarded to the Judge for signature.
- (b) If signed by the Court, the Clerk's Office will electronically file only the Order. After the Order appears on the docket sheet, the attorney must electronically file all supporting papers.

**Section 17. Appeals**

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**17.1 Are appeals filed electronically?**

No. Appeals in ECF and non-ECF cases must be filed in the traditional manner, on paper.

**17.2 How do I file an appeal in an ECF case?**

File the appeal in the traditional manner, on paper either at the courthouse or by mail. Include the filing fee if necessary. Then within 24 hours of filing the paper copy of your Appeal, you are required to e-mail to the Clerk's Office an electronic copy of the Appeal in PDF format. Include any exhibits. Each document must be in a separate PDF file no larger than 2.5 megabytes. The District Court case number followed by the Judge's initials and "ECF CASE" must appear in the document's case caption. When sending e-mail, the subject line of the e-mail should always list the case number followed by a document description (ex. "Re: 01cv1234-appeal"). Questions may be directed to the Orders, Appeals & Judgments Clerk in Manhattan at (212)805-0636, or in White Plains at (914)390-4000. Send the e-mail (do not file on the ECF system) to:

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- For appeals from an ECF case assigned to a Manhattan Judge e-mail to:  
**appeals@nysd.uscourts.gov**
- For appeals from an ECF case assigned to a White Plains Judge e-mail to:  
**wpclerk@nysd.uscourts.gov**

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**Section 18. Non-Electronic Documents**

**18.1 In an ECF case are there documents that I should not file electronically?**

Yes, including:

- Letters, see instruction 18.2 below.
- Case initiating documents (complaint, notice of removal, etc.), see section 14;
- All types of complaints (3<sup>rd</sup> party, Interpleader etc.), see instruction 18.3 below;
- Proposed orders; proposed judgments, stipulations; consents, see instruction 18.4 below;
- Orders to show cause (with or without a temporary restraining order), see instruction 18.6 below;
- Motions for Admission pro hac vice, see instruction 18.7 below;
- Miscellaneous cases, see instruction 18.8 below;
- Sealed documents, see instruction 18.9 below;
- Surety bonds, see instruction 18.10 below;
- Bill of Costs, see instruction 18.11 below;
- Notices of Appeal, see section 17;

**18.2 May letters be filed electronically?**

No. Letters are submitted in the traditional manner on paper. An attorney should not file a letter electronically on the ECF system. The Judge may direct the Clerk to place a letter on the docket if it is deemed appropriate.

**18.3 Are Amended Complaints, Third Party Complaints, Interpleader Complaints, etc. filed electronically?**

No. All complaints, no matter what type, are filed the same way:

- (a) Deliver the paper original to the appropriate Clerk's Office (Manhattan or White Plains), and
- (b) E-mail a PDF copy of the document within 24 hours, including exhibits and Rule 7.1 Disclosure Statement (if required) to the Clerk's Office. Send the e-mail to:

- For cases assigned to a Manhattan Judge e-mail to:

**caseopenings@nysd.uscourts.gov**

or **case\_openings@nysd.uscourts.gov**

- For cases assigned to a White Plains Judge e-mail to:

**wpclerk@nysd.uscourts.gov**

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**18.4 Are Proposed Orders, Proposed Judgments, Stipulations or Consents filed electronically?**

No. Any document that requires the signature of a Judge should not be electronically filed. Proposed orders, judgments, stipulations and consents should not be submitted through the ECF system. Instead they should be sent by e-mail to the Clerk. Proposed orders should be submitted in word processing format (WordPerfect or Word) rather than as a pdf document. Stipulations should be submitted in pdf format. Stipulations must contain ink signatures. Faxed signatures are acceptable, the last person to sign may e-mail it to the clerk. [Please note, effective August 1, 2008, Stipulations of Voluntary Dismissal pursuant to F.R.C.P. Rule 41(a)(1)(A)(ii) do not require the signature of a Judge, and should be electronically filed in ECF cases.] Questions may be directed to the Orders, Appeals & Judgments Clerk in Manhattan at (212)805-0143 or in White Plains at (914)390-4000. E-mail the proposed order, judgment or stipulation to:

- For cases assigned to a Manhattan Judge e-mail to:

**judgments@nysd.uscourts.gov**

- For cases assigned to a White Plains Judge e-mail to:

**wpclerk@nysd.uscourts.gov**

**18.5 Must a Stipulation or Consent include a traditional ink signature?**

Yes. You cannot substitute s/ for a traditional ink signature for these documents. Faxed signatures are acceptable.

*(See section 8 - Signatures).*

**18.6 Are Orders to Show Cause filed electronically?**

No. An Order to Show Cause (with or without a Temporary Restraining Order) must be submitted in the traditional manner, on paper, to the Orders, Appeals & Judgments clerk. If signed by the Court, the Clerk's Office will electronically file only the Order. After the Order appears on the docket sheet, the attorney must electronically file all supporting papers

**18.7 Are Motions for Admission pro hac vice filed electronically?**

No. A Motion for Admission pro hac vice is filed in the traditional manner, on paper. See the Attorney Admissions page at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) for details and sample forms.

**18.8 Are Miscellaneous cases filed electronically?**

No. Miscellaneous cases are filed in the traditional manner, in paper form. Miscellaneous cases are those that use an "M" docket number (eg. "M 8-85") instead of a traditional case number, and require payment of a Miscellaneous filing fee for each document.



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**18.9 Are sealed documents filed electronically?**

No. Sealed documents are filed in the traditional manner, in paper form. The sealed envelope must contain the paper document and a CD-ROM containing a pdf copy of the document. A copy of the Judge's sealing order must be attached to the outside of the envelope.

*(See section 6 - Sealed Documents).*

**18.10 Are surety bonds filed electronically?**

No. Surety bonds are filed in the traditional manner, on paper. Include a copy of the Court's Order regarding the bond.

**18.11 Is a Bill of Costs filed electronically?**

No. A Bill of Costs should be filed in the traditional manner, in paper form. See Local Civil Rule 54.1 for details. See also the required Bill of Costs form at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

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**Section 19. Service of Electronically Filed Documents**


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**19.1 How is service accomplished for electronically filed documents?**

After you register for an ECF password (*see section 22 - ECF Passwords*) you will receive a Notice of Electronic Filing (NEF) by e-mail whenever there is activity in your case, including court orders and filings by your adversary. That e-mail from the Court constitutes service. A hyperlink to a PDF image of any electronically filed document will be included (not all activity includes a PDF document). Print a copy of the document and the NEF for your records. The Clerk's Office will no longer mail paper copies of electronically filed documents.

*(See section 9 - Service of Documents by Electronic Means).*

**19.2 Am I required to serve a paper copy of an electronically filed document?**


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~~Maybe. If all parties will receive electronic notification of the filing, then service is complete upon transmission by the Court of the Notice of Electronic Filing email (NEF) and you are not required to serve a paper copy.~~

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If any party will not receive a NEF, you are required to accomplish service on that party in the traditional manner, on paper. Then you must electronically file an Affidavit of Service (see below).

The Notice of Electronic Filing receipt will inform you who will receive notice of the filing "electronically" (by e-mail from the Court) and who will receive notice "by other means" (traditional service on paper).

*(See section 9 - Service of Documents by Electronic Means).*

SDNY ELECTRONIC CASE FILING RULES & INSTRUCTIONS

**19.3 Am I required to electronically file an Affidavit of Service in an ECF case?**

Only two circumstances require the electronic filing of an Affidavit of Service in an ECF case:

- (a) The Affidavit of Service for the initiating document (complaint, notice of removal, etc.) must be filed as follows:
  - (1) Electronically file the Affidavit of Service for the initiating document on the ECF system (do not send by e-mail), and
  - (2) Deliver the original paper Affidavit of Service with summons attached to the Clerk's Office. Attach a copy of the ECF filing receipt for this document. And
- (b) An Affidavit of Service must be electronically filed anytime a party is served with a paper document. This usually occurs when a party will not receive electronic notice of the filing (via e-mail) from the Court. See the Notice of Electronic Filing (NEF) for a list of who was or was not served electronically.

*(See section 9 - Service of Documents by Electronic Means).*

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**19.4 Is a filing timely if it is completed before midnight?**

Yes. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

*(See section 3 - Consequences of Electronic Case Filing).*

**19.5 Do I receive a receipt (Notice of Electronic Filing) when I file electronically?**

Yes. When you successfully complete an electronic filing the final screen will display a NOTICE OF ELECTRONIC FILING (NEF), or filing receipt. Print a copy for your records. The NEF receipt will tell you what was filed, by whom, when it was filed and if a document number was assigned on the docket sheet (not all case activity merits a document number). If you do not see the NEF screen your filing may not have been successful and you are advised to check the docket sheet.

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**19.6 Should I routinely view the docket sheet in my case?**

Yes. Although service is accomplished in ECF cases by an e-mail sent by the Court, e-mail is not foolproof and you risk missing an e-mail message. Therefore it remains the duty of the attorney for a party to review regularly the docket sheet of the case in order not to miss a filing.

*(See section 9 - Service of Documents by Electronic Means).*

## SDNY ELECTRONIC CASE FILING RULES &amp; INSTRUCTIONS

**Section 20. Attorney Appearances****20.1 How does an attorney's name appear on the docket sheet?**

The attorney who signs the initiating document will be added to the docket sheet when the Clerk's Office opens the case on the ECF system. The attorney responding to that filing must add his or her own name to the docket sheet the first time he or she appears in the case. When electronically filing the first document, the responding attorney must: (a) click to create an "Association" with the client (i.e. represent the client); (b) click the "Notice" box to receive electronic notice of case activity; and (c) click the "Lead" attorney box if applicable. If the responding attorney is not offered the opportunity to create an "association" with the client on his/her first electronic filing, he/she must electronically file a Notice of Appearance in order to appear on the docket.

**20.2 If the attorney's name is on the docket sheet why doesn't he/she receive e-mail notification of filings?**

It could be because his or her name was added to the docket sheet before the attorney obtained an ECF password. In that case the attorney's name and firm address will appear at the top of the docket sheet, but the e-mail address will be missing. If this is the case the solution is to obtain an ECF password. Or it could be because the attorney filed a Notice of Appearance but failed to check the "Notice" box when creating an association with the client to indicate that he or she would like to receive e-mail notification of activity in the case. In this case, call the ECF Help Desk at (212)805-0800.

*(See section 24 - ECF Help Desk and Training).*

**20.3 How do I electronically file a Notice of Appearance in an ECF case?**

If an attorney joins a case already in progress he or she must electronically file a Notice of Appearance. When electronically filing the Notice of Appearance, the attorney must: (a) click to create an "Association" with the client (i.e. represent the client); (b) click the "Notice" box to receive electronic notice of case activity; and (c) click the "Lead" attorney box if applicable. Please note the ECF system will not allow an attorney to electronically file a Notice of Appearance on behalf of another attorney. The Notice of Appearance and the ECF password must belong to the same attorney.

*(See section 2 - Eligibility, Registration, Passwords).*

**20.4 How do I file a Motion for Admission pro hac vice in an ECF case?**

In the traditional manner, on paper. After the Order of Admission pro hac vice is signed, the attorney must apply for an ECF password. See the Attorney Admissions page at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) for details and sample forms.

**20.5 Am I required to notify the Court when my contact information changes?**

Yes. Local Civil Rule 1.3 requires an attorney to notify the court when his/her contact information changes.

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For information go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) or call the Attorney Admissions Clerk at (212) 805-0645. Follow the steps below to change your contact information:

- (a) If you have a pending case provide notice to the Court and your adversary(s) by electronically filing a NOTICE OF CHANGE OF ADDRESS in each open case where you remain the attorney of record, or
- (b) If you do not have a pending case mail written notice of the change to: Attorney Admissions Clerk, United States District Court, 500 Pearl Street, NY, NY 10007.

**20.6 What if only my e-mail address has changed?**

You can make a simple change of your e-mail address yourself on the ECF system. To update your primary e-mail address click on Maintain Your Account and E-mail Information. However, if your other contact information has changed you must follow the directions above to update your full contact information.

**20.7 Can I specify additional e-mail addresses to receive notification of activity in my cases?**

Yes. You can add an alternate e-mail address for yourself, or add a colleague's e-mail address. On the ECF system click on Utilities, Maintain Your Account, and E-mail Information.

**20.8 Can I receive electronic notification of activity in cases where I do not represent a party?**

Yes. You can add cases to your e-mail notification list on the SDNY ECF system even if you don't represent a party to the case. Click on Utilities, Maintain Your Account, and E-mail Information.

**Section 21. Privacy and Public Access to ECF Cases**

**21.1 Has electronic filing expanded public access to documents?**

Yes, documents filed electronically on the ECF system are more widely available than ever before. Electronic documents can now be viewed over the Internet via a PACER account. In order to protect people's privacy and reduce the threat of identity theft, parties should be cautious when filing sensitive information.

**21.2 Who is responsible for redacting sensitive information from filed documents?**

It is the sole responsibility of counsel and the parties to be sure that all documents comply with the rules of this Court requiring redaction of personal identifiers. Neither the judge nor the Clerk of Court will review documents for compliance with this rule.

**21.3 Am I required to redact certain sensitive information in a document?**

Yes. Amendments to Federal Rule of Civil Procedure 5.2 and Criminal Procedure 49.1 require that personal

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identification information be redacted from documents filed with the court. You should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. This applies to both ECF cases and non-ECF (paper) cases. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed below must file a redacted version in the public file:

- Social Security Numbers: include only the last four digits of the number.
- Names of Minor Children: include only the initials of the child.
- Dates of Birth: include only the year.
- Financial Account #'s: include only the last four digits of these numbers.
- Home Addresses: include only the City and State.

#### 21.4 Is there other sensitive information that I should consider redacting?

Yes. Caution should be exercised when filing documents that contain the following:

- Personal identifying numbers (PIN #'s), such as a driver's license number
- Medical records, treatment and diagnosis
- Employment history
- Individual financial information
- Proprietary or trade secret information
- Information regarding an individual's cooperation with the government

#### 21.5 Am I required to file sensitive information under seal?

No. In addition to the redacted public filing a party may file, but is not required to file, the personal data identifiers listed above by filing under seal.

You may file under seal either: (a) a reference list, or (b) an original, unredacted version of the document.

If you find it necessary to file sensitive information, the Court prefers a reference list to the filing of a complete document. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. The reference list may be amended as of right.

#### 21.6 Are sealed documents filed electronically?

No. Sealed documents are filed in the traditional manner, in paper form. The sealed envelope must contain the paper document and a CD-ROM containing a pdf copy of the document. A copy of the Judge's sealing order must be attached to the outside of the envelope.

*(See section 6 - Sealed Documents).*

#### 21.7 Who should maintain custody of original unredacted documents?

Parties are responsible for maintaining possession of original, unredacted documents, and information redacted

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from publicly filed documents. The Court may later require counsel to furnish the unredacted information.

**21.8 What if I mistakenly file sensitive or confidential information?**

- (a) Immediately contact the ECF Help Desk at (212)805-0800. The filing will be temporarily sealed and made invisible to the public.
- (b) After notifying the ECF Help Desk, the filing party must ask the Judge, in writing, for the entry to be formally sealed by the Court.
- (c) Electronically file a redacted version of the mistaken filing.

**Section 22. ECF Passwords**

**22.1 To file electronically in this Court, do I need an ECF password from the United States District Court for the Southern District of New York?**

Yes. To file electronically in this District Court you must have an ECF log-in and password issued by this Court. This password is unique, and is not the same as a password from another District or Bankruptcy Court, or a PACER password. Protect the security of your password by reporting a lost or stolen password immediately to the ECF Help Desk at (212)805-0800.

*(See section 2 - Eligibility, Registration, Passwords).*

**22.2 Is my SDNY ECF password the same as my PACER password?**

No. Your SDNY ECF password is unique and is not the same as your password for the PACER public access system. For information on PACER go to <http://pacer.psc.uscourts.gov> or call 800-676-6856.

**22.3 Must I be an attorney admitted to this Court to obtain an ECF password?**

Yes. ECF passwords are available only to attorneys in good standing with this Court.

**22.4 How do I obtain an ECF password if I am already admitted to practice in this Court?**

An attorney admitted to practice in this court may register for an ECF password on-line at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov). From the homepage click on CM/ECF, then Attorney Registration. You will need your SDNY bar code (your first and last initials followed by four numbers of your own choosing), and the exact date you were admitted to practice in this Court (the date is printed on your Certificate of Good Standing). Contact the Attorney Admissions Office at (212) 805-0645 if you have forgotten any of this information. Click to submit your application on-line, and wait for your ECF password to arrive by e-mail.



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**22.5 How do I obtain an ECF password if I am not yet admitted to practice in this Court?**

The application to be fully admitted to the bar of this court includes a request for an ECF password. Go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) and from the homepage click on Attorney Admission. The application to the bar of this Court requires you to: (a) submit your application on-line, and (b) deliver a paper copy of that application and the appropriate fee to the Clerk's Office. Your ECF password will be sent by e-mail after you are sworn-in. If you wish to practice in one case only, you should move for admission Pro Hac Vice (see instructions below).

**22.6 How do I obtain an ECF password if I am admitted to practice pro hac vice?**

An attorney may be admitted to practice in one case by moving for admission pro hac vice. For complete pro hac vice motion instructions go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov), then click on Attorney Admission. Immediately after a motion to be admitted pro hac vice is granted, the attorney is required to register on-line for an ECF password at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov). Enter the date the order was signed and enter XXXXXX for the bar code. Click to submit your application on-line, and wait for your ECF password to arrive by e-mail.

**22.7 Do I need a new ECF password if I change law firms?**

No. Your ECF password will remain the same even if you change your contact information. Local Civil Rule 1.3 requires an attorney to notify the court when his/her contact information changes. For information go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) or call the Attorney Admissions Clerk at (212) 805-0645. Follow the steps below to change your contact information:

- (a) If you have a pending case provide notice to the Court and your adversary(s) by electronically filing a NOTICE OF CHANGE OF ADDRESS in each open case where you remain the attorney of record, or
- (b) If you do not have a pending case mail written notice of the change to: Attorney Admissions Clerk, United States District Court, 500 Pearl Street, NY, NY 10007.

**22.8 How will I know if my ECF password application was submitted successfully on-line?**

When you are ready click the "Submit" button on the bottom of the form. The screen will turn red and you will be asked to review your answers for accuracy. After review click "Proceed". If the screen turns green your application was successfully submitted.

**22.9 How long does it take to obtain an ECF password?**

Your ECF password will be sent to you by e-mail, within 48 hours of your on-line request. Print a copy for your records.